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July 22, 2020

**VIA ECF AND FACSIMILE**

Honorable Laura Taylor Swain  
U.S. District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Adler v. Solar Power, Inc., et al.  
Case No. 16-CV-01635 (LLS)(GWG)

Dear Judge Swain:

My office represents the corporate defendants (collectively, “SPI”) in connection with the above matter. I, together with Plaintiff’s counsel, submit this joint status letter and respectfully request that the Show Cause Hearing scheduled to continue on July 24, 2020, be adjourned to August 21, 2020, or any date thereafter that is convenient for the Court.

At the time the parties submitted their last joint status letter to the Court – on June 18, 2020 – the Mauka FIT One LLC solar project in Hawaii (the “Project”) was anticipated to reach its Commercial Operations Date (“COD”) milestone on June 30, 2020. However, on June 30, 2020, Valta Energy (“Valta”) requested and Hawaiian Electric Company, Inc. (“HECO” or “the Utility”) granted Valta another extension, until July 31, 2020, to reach the COD milestone.<sup>1</sup> Assuming the Project reaches COD by July 31, 2020, within 5 business days thereafter (by August 7) HECO will issue Valta a Permission to Operate (“PTO”) Letter. Full payment from Valta to Plaintiff and SPI would then be due 10 business days thereafter (so, by August 21, 2020).

Based on the foregoing, Plaintiff and SPI respectfully request that the continuation of the Show Cause Hearing be adjourned from July 24 to August 21, 2020. The parties thank the Court for its time and attention to this application.

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<sup>1</sup> On June 9, 2020, Valta, in accordance with the assignment agreement between SPI and Plaintiff, made a partial payment to Plaintiff in the amount of \$80,787.21.

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Respectfully submitted,

*Kuuku Minnah-Donkoh*

Kuuku Minnah-Donkoh

cc: Honorable Louis L. Stanton (*via* ECF)

Roger Marion, Esq. (*via* ECF)

The request is granted. The conference is adjourned to September 11, 2020, at 2:00 p.m. The parties must file a joint status report by September 8, 2020. DE#205 resolved.

SO ORDERED.

7/22/2020

/s/ Laura Taylor Swain, USDJ